SSM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2293 OF 2004

Shri Sushil Sain ... Petitioner

Vs.

B. E. Govind & Anr. ...Respondents

Mr. Santosh Shetty i/b M. M. Vashi for the Petitioner.

Mr. Anant R. Bamne the Respondents.

CORAM : SMT. RANJANA DESAI, J.

DATED : 7TH NOVEMBER, 2006.

P.C. :-

1. In this writ petition, the petitioner has prayed for quashing of process issued by the 33rd Metropolitan Magistrate's Court, Ballard Estate at Bombay in Case No.127/S of 2001 and Case No. 128/S of 2001, filed by the first respondent under Section 138 of the Negotiable Instruments Act. The petitioner has efficacious remedy of preferring a revision application in the

Sessions Court. In view of the judgment of this Court in ***Ashok P. C. Mehta Vs. State of Maharashtra 2005-BCR, Cri) 2-193,*** the present petition cannot be entertained and is dismissed as such. It will be open to the petitioner to file a revision application before the concerned Sessions Court. Stay granted is extended for a period of 5 weeks. It is clarified that no further extension of stay will be granted.

(SMT. RANJANA DESAI, J.)